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8 Attorney for *Plaintiff, Sogeti USA LLC*

9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF ARIZONA**

12 **SOGETI USA LLC**, a Delaware Limited )  
13 Liability Company, )

14 Plaintiff, )

15 vs. )

16 **MICHAEL SCARIANO**, an Arizona )  
17 resident; **CYNTHIA SCARIANO**, an )  
18 Arizona resident; **CHRISTIAN** )  
19 **MARTINEZ**, an Arizona resident; )  
20 **TERESA MARTINEZ**, an Arizona )  
21 resident; **MICHAEL COLLINS**, a Texas )  
22 resident; **JANET COLLINS**, a Texas )  
23 resident; **NEUDESIC, LLC**, a California )  
24 Limited Liability Company. )

25 Defendants. )  
26

**NO. CV08-01197-PHX-ECV**

**AMENDED COMPLAINT FOR  
DAMAGES AND INJUNCTIVE  
RELIEF**

**(Jury Demand Endorsed Hereon)**

*(Assigned to Hon. Edward C. Voss)*

21 Pursuant to Civil Rule 15(a) and as a matter of course, Plaintiff Sogeti USA LLC  
22 (“Sogeti”) hereby pleads its Amended Complaint against Defendants Michael Scariano  
23 (“Scariano”), Cynthia Scariano, Christian Martinez (“Martinez”), Teresa Martinez,  
24 Michael Collins (“Collins-TX”), Janet Collins, and Neudesic, LLC (“Neudesic”) and  
25 Plaintiff alleges as follows:  
26

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255. Sogeti incorporates by reference, in the same order as originally plead, the allegations set forth in paragraphs 1 through 254 of the original Complaint, as if the same were set forth here fully.

#### **COMMUNITY PROPERTY PARTIES AND LIABILITY**

256. Cynthia Scariano is the spouse of Michael Scariano.

257. Cynthia Scariano is a resident of the State of Arizona, residing in Maricopa County, City of Phoenix.

258. At all times described in this Amended Complaint, Michael Scariano acted for the benefit of the marital community of Michael Scariano and Cynthia Scaniano or acted with the with the knowledge, consent or ratification of Cynthia Scariano.

259. Cynthia Scariano and the marital community of Michael Scariano and Cynthia Scariano are liable for the conduct of Michael Scariano.

260. Teresa Martinez is the spouse of Christian Martinez.

261. Teresa Martinez is a resident of the State of Arizona, residing in Maricopa County, City of Glendale.

262. At all times described in this Amended Complaint, Christian Martinez acted for the benefit of the marital community of Christian Martinez and Teresa Martinez or acted with the knowledge, consent or ratification of Teresa Martinez.

263. Teresa Martinez and the marital community of Christian Martinez and Teresa Martinez are liable for the conduct of Christian Martinez.

264. Janet Collins is the spouse of Michael Collins ("Collins-TX").

265. Janet Collins is a resident of the State of Texas, residing in Tarrant County, City of Colleyville.

266. At all times described in this Amended Complaint, Michael Collins ("Collins-TX") acted for the benefit or as an agent of the marital community of Michael

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Collins and Janet Collins or acted with the knowledge, consent or ratification of Janet Martinez.

267. Janet Collins and the marital community of Michael Collins and Janet Collins are liable for the conduct of Michael Collins ("Collins-TX").

WHEREFORE, Plaintiff Sogeti USA LLC respectfully asks this Court for judgment against Defendants Michael Scariano, Cynthia Scariano, Christian Martinez, Teresa Martinez, Michael Collins, Janet Collins, and Neudesic, LLC, jointly and severally as follows:

- A. compensatory damages in an amount to be proven and determined by trial;
- B. punitive damages;
- C. injunctive relief that prohibits defendants from directly or indirectly:
  - (1) breaching the restrictive covenants of their agreements with Sogeti or SARK;
  - (2) soliciting, selling or performing, for one year following the termination of employment by Sogeti for any reason, including involuntary termination without cause, information technology or management consulting services that are competitive with the services of Sogeti, directly or indirectly, to or for any entity or customer for which defendants or employees under their managerial control have solicited, sold or performed any information technology or management consulting services on behalf of Sogeti during any part of the year immediately preceding the termination of defendants' employment;
  - (3) soliciting, attempting to solicit, or hiring, for eighteen months following the termination of employment by Sogeti for any reason, including involuntary termination without cause, any employee of Sogeti, who is employed at any office of Sogeti at or for which

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defendants or employees under their managerial control performed any of the duties of employment by Sogeti or otherwise had access, in any capacity whatsoever, for defendants' own account or on behalf of any person or corporation other than Sogeti, nor attempt to induce any Sogeti employee to leave the employ of Sogeti to work for defendants or any other person, firm or corporation;

(4) tortiously interfering with the contractual or business relations between Sogeti and its employees, clients or customers, and

(5) using or misappropriating the private, confidential or trade secret information of Sogeti and/or its clients or customers, including, but not limited to, client or customer lists, pricings, commissions, technical matters, business and financial information, methodologies, business and development plans, marketing and sales strategies, product and service information, sales goals and methods.

D. reasonable attorney's fees as permitted by law;

E. the costs of this action; and

F. such other relief as this Court deems appropriate.

**DATED:** July 2, 2008.

**TIMOTHY G. KASPAREK, PLLC**

By s/Timothy G. Kasperek  
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**JURY DEMAND**

Plaintiff Sogeti USA LLC, through counsel, hereby demands a trial by jury of all issues triable of right by jury.

**DATED:** July 2, 2008.

**TIMOTHY G. KASPAREK, PLLC**

By \_\_\_\_\_ s/Timothy G. Kasperek  
Timothy G. Kasperek  
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Attorney for *Plaintiff, Sogeti USA LLC*

**ORIGINAL FILED** and copy delivered  
on July 2, 2008, to:

**Hon. Edward C. Voss, Magistrate Judge**  
United States District Court  
Sandra Day O'Connor U.S. Courthouse, Suite 324  
401 West Washington Street, SPC 75  
Phoenix, AZ 85003-2120